UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

PHG	TECHNOLOGIES, LLC,)
)
	Plaintiff,)
) No. 03:05-0630
v.) JUDGE ECHOLS
)
THE	ST. JOHN COMPANIES, INC.,)
)
	Defendant.)

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

- (1) Plaintiff PHG Technologies, LLC's Motion for Preliminary Injunction (Docket Entry No. 3) is hereby GRANTED.
- (2) Defendant St. John Companies, Inc.'s Counter-Motion for Partial Summary Judgment (Docket Entry No. 18) is hereby GRANTED IN PART AND DENIED IN PART.
- (3) Defendant St. John Companies, Inc.'s Motion to Request to Take Judicial Notice (Docket Entry No. 20) is hereby GRANTED.
- (4) Plaintiff PHG Technologies, LLC's Motion to Request Take Judicial Notice (Docket Entry No. 35) is hereby GRANTED.
- (5) Pursuant to Federal Rule of Civil Procedure 65 Defendant The St. John Companies, Inc., and its officers, agents, servants, employees and attorneys are hereby preliminarily enjoined and restrained from making, using, offering to sell, selling or importing into the United States a medical label sheet with an

appearance similar to the design depicted in Plaintiff PHG Technologies, LLC's design patents, U.S. Patent Des. No. 496,405 S and U.S. Patent Des. No. 503,197 S.

- (6) This preliminary injunction applies to all persons, officers, agents, servants, employees, and attorneys acting in concert with or participating with The St. John Companies, Inc., who receive actual notice of this Order by personal service or otherwise.
- (7) Pursuant to Federal Rule of Civil Procedure 65(c), Plaintiff PHG Technologies, LLC, shall file with the Clerk of this Court, no later than Monday, December 12, 2005, a surety bond in the amount of \$250,000, in such form as is acceptable to the Clerk of Court.
- (8) This Order shall remain in effect during the pendency of this action and until further Order of this Court unless Plaintiff fails to file the surety bond as required in paragraph (7) above.
- (9) Count IV of the Complaint is hereby DISMISSED WITH PREJUDICE.

It is so ORDERED.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE

December 5, 2005, at 11:05 a.m. Date and Time